

OBSERVATIONS

ON THE

SENTENCE, &c.

AT length we see submitted to our inspection the sentence of eleven persons, six of them being of the first quality, who have been condemned to death in *Portugal*, for a conspiracy and attempt against the life of his Most *Faithful* Majesty. Ten of whom have since suffered in person, and the other in effigy, a most terrifying execution.

This publication was twice advertised in our *London Gazette* to be made here by authority. By which we are doubtless to understand the authority of the court most interested in its proving satisfactory. There surely can be no necessity for any foreign nation's appealing to our judgments in justification of their own judicial proceedings, we having no right whatsoever to the calling of them in question: but as the publication is made, and in so uncommon a manner, that method of ushering it to our perusal certainly gives us a full right to take the merits of it into consideration; more especially as the doing of it may greatly tend

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that my friends have expressly desired it, and the public have appeared to require it of me. Secondly, that I had some little knowledge of the great personages who have unhappily suffered, may have been indebted to some of them for civilities not only towards my person, but also in the cause of my country: and have the same knowledge of others, whose lives are perhaps yet endangered, as well as of some of those who are involved in part of the punishment, without having been so much as suspected of being parties in any species of the guilt.

It is an old, and I am afraid too true, observation, that the unhappy find few friends: yet to manifest such a disposition towards even the guiltily distressed, is as yet held no high crime and misdemeanour by the laws of *Great Britain*, and will always encounter the approbation of just and generous minds: our laws happily abhor cruelty, and our natures reject it still more. It can be no crime here to wish the same principle of humanity prevailed every where. But if we judge by the rigours now exercised in *Portugal*, I am apprehensive it must be concluded that, at present, it may be very unsafe for good minds there to offer at the influencing of lenity in any shape. If so, let an honest foreigner (who has himself suffered the pressures of power wantonly and outrageously exercised

in that country, without any, the least degree of guilt in himself to deserve it) now plead from experience and compassion, the cause of others as innocent as he was himself. I well know this tract will be read in that kingdom. God grant it may have its desired effect, in doing some service to the living. The dead are beyond the reach of all but divine mercy. May the surviving happily experience that of royalty ; to which the innocent, at least, have an unanswerable plea.

But previous to my examination of the merits of this sentence, it may be proper to say something of the constitution of *Portugal*, which like that of our own and all other European nations, in antient times, was of a mixed nature, and in which power fluctuated occasionally more or less betwixt the regal and popular side. It appears from their history, however, that the sovereign power has in general been greater among them than with us: yet they had their *Cortes*, which were a kind of parliament, and an established body of excellent laws, called *The Ordinations of the Kingdom*, which were considered as fundamental; and by their very title, seem to have been settled in their *Cortes* with the approval of all the states; as of late years the new laws that are made, are always filed, the decrees of his majesty.

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That there have been occasionally great struggles and revolutions in the kingdom is most certain. They have deposed two Kings for bad government: They altered the succession of their Crown, in favour of a bastard, to the exclusion of all its legitimate heirs. They revolted from *Spain*, and seated the second branch of their antient Royal Family on the Throne. They have had frequent civil wars, rebellions and conspiracies: but, in fine, after restoring themselves to independency from Spain, and recovering their antient constitution; while we were toiling to establish our liberties on a sure basis, which was at last happily accomplished, they suffered themselves insensibly to sink into slavery, the miserable effects of which they were presently made to feel, and have ever since most bitterly, though impotently lamented.

Proceeding now to the examination of the merits of this *sentence*, I make bold to object to one article of the *title-page*, which is that of calling it *legal*: for surely no process ought to be deemed such that partially and expressly violates fundamental laws, or that receives a sanction singly from the Crown for the extending of punishments and forfeitures beyond the limits of established ordinances, and the precedents of former practice. This will be shewn hereafter, by the very words of the sentence and historical instances of former proceedings,

proceedings, to have been actually the case: and therefore it is to be considered, and should have been called, the sentence of power, and not of law.

On the performance itself I shall first take the liberty to observe, that the whole proceedings have been carried on by a court specially erected, and as far as we can judge, or have heard, in entire secrecy. This is quite contrary to ordinary proceedings in criminal cases there, though I allow it not to be altogether without precedents in those of high treason.

Upon the discovery of the conspiracy in *John* the Fourth's reign, which was greatly more heinous than the present, because it was not only formed against the lives of the King and whole Royal Family, but was also contrived for the delivering up of the kingdom into the hands of an irritated enemy, who would probably have treated the greatest part of the subjects of it as rebels: I say upon that discovery's being made, a commission was granted to twelve judges and six noblemen to try the offenders of rank, who were most of them condemned upon their own voluntary written confessions, and against the others there was not only the evidence of those confessors of their treasons, but also that of many others who had been actually tampered with to become of their party, particularly of so great a man as the Count de *Vimioso*, and therefore the

the guilt of the accused was most openly proved. The only circumstance of that affair which appears repugnant to justice, or at least that must appear so to us, was the execution of the young Duke of *Caminha*, who was involved in the guilt without having engaged in the conspiracy, but on the contrary was an opposer and detester of the design, yet could not be the discoverer of it, because his father was a principal therein, whom he often admonished to renounce his engagements, and even to become the discoverer of the affair: nay actually did prevail on him at last to do it, when unluckily it was too late by a day.

Were the eight persons, therefore, who acted by the commission at present under consideration, solicitous for having the justice of their proceedings impartially acknowledged both abroad and at home, it became them to have taken care that the conviction of the offenders should have been as clear, full and open as possible. Instead of which, the world are left entirely in the dark, who the evidence have been, what they have deposed, and by what means their testimonies have been obtained. This, I say, the Court owed to its own honour: for in proportion as proceedings are obscured, suspicions will be excited in mankind.

We who have been so unfortunate as to have *Star-chamber* and *High-commission* Courts
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in our own country, and who cannot but detect all secret proceedings in matters of justice, must naturally require to know what defences these unhappy sufferers were able to make for themselves: or, if none, what excuses they could offer in palliation of their guilt. Instead of which, we are told that their crimes were fully proved by confessions and by witnesses. This may, for ought I know, pass current for satisfactory in *Portugal*. But *Englishmen* will consider that, under the whole race of our *Stuarts*, if such proceedings could have been authorized here, no man in the kingdom, not even the most innocent, would have been safe. In *Charles* the Second's time, for example, when dissatisfaction was so general, and party plots were so frequent, had those ministers who were called the *Cabal*, and a few judges they might have selected, been the secret tryers of whomsoever they pleased, what a havoc might they have made of all persons who were any way offensive to them, though their offences were no other than what resulted from virtue? As things were, we saw a Lord *Russel* taken openly off, by means of a packed jury, for a crime that, if proved, was not capital; while the House of Lords honourably acquitted one of their august body, who was arraigned before them for the same offence. Mr. *Sidney* also, from being an obnoxious man, was alike condemned, chiefly
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for having a Manuscript of his own writing locked safely up in his possession.

We are wise, from these and many other fatal examples, in not trusting too much power in the hands of any men: and, of all others, are most so in not venturing it with those who may have particular temptations to an abuse of it: nay good men will not exercise any extraordinary power without taking care to give evident demonstrations of their not misusing it: and where such demonstrations are neglected to be given, mankind have a right to suspect, and will do so, that it has not been so moderately employed as it ought to have been. I write this with regard to our own notions of things: opinions may perhaps be different in Portugal. There possibly they may choose to place such implicit faith in Judges, notwithstanding so many of their order, as we have heard of, have been disgraced by his present most faithful Majesty, and an English Judge-Conservator among them, for partialities and corruptions in office.

In regard therefore to proofs, whether by confessions of the parties or the evidence of others, it was necessary for the justification, in this country, of their proceedings fully to have produced them. Instead of which, we are only told that the major part of the criminals had confessed, and that their confessions

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were corroborated by the testimonies of witnesses. On both of which points I shall offer some observations to the judgment, and for the information, of my readers.

First, with regard to the confessions of the parties. These we are not told were made voluntary, or that they arose from a certainty of conviction from Evidence. Had the latter been the case, they all would undoubtedly have confessed their guilt: and had the proceedings been otherwise than very secret, the voluntary confessions of one would probably have influenced those of all the rest. We must then suppose these confessions to have been extorted from them by tortures; a method not practised there in the ordinary course of civil justice, from its having been discovered to be fallible; and the cause of its disuse is said to have its foundation in the following fact, the story of which is in the mouth of almost every person of that kingdom.

A conscientious Judge having observed the effects of the rack on supposed criminals, in making them ready to confess any thing, to the sacrificing of their lives, in order to get released from the torture; felt in his own mind some strong sensations on the conviction of accused persons by such methods: insomuch that, from something which had happened in a particular case, his concern was so great as to determine him upon trying an Experiment.

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It is a capital crime in that country to kill a horse or a mule, and he happened to have one of the former species which he very much esteemed. In prosecution of his scheme, he took care one night to keep all his servants employed, so that no one but his groom could go into the stable. But when all were afterwards fast asleep in their beds, he stole thither himself and cut off the tail of his horse, by which wound the creature bled to death. Great confusion, it may be supposed, followed the discovery of the mischief on the succeeding morning: when the master, upon being informed of what had happened, appeared highly incensed. Strict enquiries being made about the person who could have committed the crime, the other servants all found means easily for the justifying of their own innocence, so that the whole of the imputation of course rested on the groom, who was thereupon apprehended and committed to prison. The poor fellow upon his arraignment, it may be supposed, pleaded not guilty: but the presumptions being very strong against him, he was ordered to the rack, where the extremity of torture soon wrung from him a confession of the crime, he choosing to submit to death, rather than endure the misery he was undergoing. Upon this confession, he had sentence of hanging past upon him; when his master (who from having been prosecutor,

could not of course be one of his Judges) went to the Tribunal, and there exposed the fallibility of confessions obtained by such means, by owning the fact himself, and disclosing the motives that had influenced his making the experiment. Since which time the practice has been discontinued of applying the torture in any cases that are determined in their public Courts.

Secondly, I have to observe with regard to evidences, that there can be no good cause for obscuring them in acts of public justice. They are not concealed in ordinary cases: and sure there is much less cause for concealing them in one of high treason, and especially with regard to persons in such elevated stations of life. The practice of the Inquisition, so highly detested by all enlightened and humane people, must have been their example for this method of civil process in that Kingdom: and however satisfied the People of *Portugal* may be therewith, other nations, to whose opinions this sentence is submitted, have a right to reject it as unsatisfactory to the World, and unfair to the parties. We are just told indeed, by these Judges, that they had examined the defences made by the criminals, but what those defences were they have not been pleased to inform us. In short, we are entirely left in the dark in relation to proof on all sides: and therefore among Englishmen,
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at least, a declamatory sentence should have no kind of weight, unless they see the facts fairly and indubitably proved that fully warrant the passing of a sentence of death upon the meanest offender, and much less upon persons eminent in station, and with large estates; that are thereby sequestered from their families.

I now proceed to the examination of the several articles into which this publication is divided.

From the introductory paragraph to this sentence, we learn that the parties were degraded from their honours before condemnation; nay, we find afterwards, that they had been previously unnaturalized too. This was, in some sort, executing before sentencing, and is, as we imagine, a kind of proceeding peculiar to Portugal; but intirely of a piece with their ecclesiastical justice: for the *Jews*, designed for execution, are brought from the Inquisition with painted flames about their bodies, yet are not to be supposed condemned: no, poor creatures, they are only destined; for the ecclesiastic delivers them over to the secular arm to try, as they pretend, and sentence, with this hypocritical petition, that they will take care not to shed innocent blood, though they had already hung them over with the representation of their inevitable fate; for no one so delivered over to the secular power

power has ever yet escaped the execution of burning.

In *Section I.* we find the Duke of *Aveiro* found guilty of conceiving a desperate, sacrilegious and implacable wrath against the *King*, for his Majesty's having deprived him of the court influence he had obtained at the latter end of the preceeding reign, by means of his uncle, who, though but a Franciscan Friar, became then Minister of State ; and had influenced the annexing of some commendams to the patrimonial estate of *Aveiro* by Judgment in law, against right ; and because the *King* had prevented the celebration of a marriage contracted between his son and the Duke of *Cadaval's* sister ; and when he had contracted it, that he contrived so to embarrass that Nobleman with law-suits, prosecuted by others, that he might be prevented from marrying for want of money ; in order thereby that, in time, his family might acquire the *Cadaval* estate.

On these allegations I have to observe, that nothing is more likely to excite wrath, than real or imaginary ill-usage. Nothing is more likely to happen in Courts, than that the near relations of Ministers of State will get influence. But why is there not a list produced of the places and pensions that the Duke, then Marquis of *Gouvea*, obtained for himself, his relations and dependants ? for the world has not been

been apprized of any such having been procured, except the presidentship of the Palace-Tribunal for himself, and which he had in a general promotion of Noblemen to great offices. As to the adjudging of commendams to the house of *Aveiro*, which did not belong to it, there the *Judges* were the rogues, and the parties that ought to have been punished. Perhaps, however, they had always gone with the title of *Avero*, and if since resumed by the Crown, which seems implied though not expressed, it might be, because other people wanted them for themselves *. And with all the court-influence cried out upon against the Duke, no proofs are produced of any train of relations and dependants advanced. What a tribe of such another great man of that kingdom has got promoted, the world very well knows, and what the extent of his influence is, requires no kind of demonstration from me. As to what regards the *Cadaval* family, I have only to say, that the condemned person was never considered as a man of any deep reach of thought : however that they did not think so very ill of him as such conduct would have deserved, may be imagined from their consenting to

* But it may be proper here to remark, that the accused person had not the *Aveiro* estate finally adjudged to him before the 26th of May 1752, which was toward the end of the 2d year of the present reign.

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the marriage in question: and concerning the rest, it would have been clearing up the matter of a private injury to have given the Duke of *Cadaval's* evidence, or that of the Dutchess, his mother, thereon.

The 2d *Section* informs us, that the Duke, himself discontented, associated with others that were dissatisfied likewise: that his conversations tended to inflame their antipathies: that he *infamously* shunned the royal service, and had *impiously* said, that *it was the same thing to him to be ordered to go to Court, and to have his legs cut off*: and that he had suffered flatterers to say to him, *that there was now no other eminence for him to reach than the Throne, by becoming King himself.*

On these accusations I have to observe, that discontented people, in all countries, naturally associate with one another; and that nothing is more likely to afford them topics of conversation than their real or supposed grievances. The shunning of service, where he thought himself slighted or wronged, is not at all to be wondered at; and as to flatterers telling him, after he became a Duke, and in possession of a great estate, *that he had no other heights to ascend, but that of a Throne,* it was but one of those harmless adulating truths which sycophants will utter, and great men laugh at: and might here have been spared as an accusation, since the sentence furnishes

furnishes not so much as a supposition of his having ever aspired at the Crown.

The third *Section* sets forth, that the Duke, after having entertained a hatred for the *Jesuits*, became reconciled to them on their falling into disgrace, and that he frequently conversed with them under particular precautions of secrecy. The observations made on the second section render any thing unnecessary that could be said on this.

In the fourth *Section* we are told, that the Duke linked himself with the *Jesuits* in enmity to the King; that they inspired him with the belief that it could be no crime to kill him; that the royal death could be the only means used for effecting a change of government, or of measures; and that they, with the rest of the conspirators, contrived together the method of perpetrating their wicked intention.

Concerning all which I am to observe, that there is nothing wanting to satisfy us in these points, but the evidence in proof. That the *Jesuits*, who had their all at stake in the depending proceedings against them, should give such counsels, and enter into such schemes, I have no inclination to doubt; such practices being agreeable to their generally imputed principles. But sure, the Duke must have been more than a madman to hazard his life, the highest honours, and far best estate in the kingdom, upon such frivolous motives as

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are assigned for his engaging to such a degree in this undertaking. If he had no other incentives to so hazardous and wicked a scheme and action, why has he not been made odious, beyond the reach of pity, by an open conviction on unquestionable proof?

Section the fifth tells us, that the Duke and Jesuits, in pursuance of their detestable confederacy, and infernal conspiracy, seduced the Marchioness of *Tavora* to the abetting thereof, notwithstanding there had always subsisted an *innate* and ancient aversion betwixt the Marchioness and the Duke, from their opposite geniuses, (*pray good Reader observe the congruity of thinking and reasoning in these scientific High-Commissioners*) from which had constantly existed a DECLARED jealousy between them, which should gain the ascendant in ambition and haughtiness; and notwithstanding the most stimulating envy, with which the said Marchioness was tortured, at seeing the house of the Duke exalted above her own in honours and wealth: And notwithstanding the Duke had rendered that hatred far more stinging, by the many and great efforts he had made for depriving the Marquis her husband, while he was absent in *India*, of certain estates belonging to his family: Notwithstanding all which, say the Judges, the Duke and the *Jesuits* had art enough to draw her into their infamous confederacy.

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Upon all which I must observe, that the false reasoning and foul language in this section are equally offensive : Moreover, some of the facts are disputable from appearances. Did there not always seem to exist a great intimacy between the two families ? Was there not so strong an alliance made as that of the Duke's marrying a sister of the Marquis's ? Were not the Marquis and Marchioness in *India*, when the ducal estate and title were adjudged to the Marquis of *Gouvea* ? Did not the Marquis's mother, the old Countess of *Alvor* live under the Duke's very roof all the while he is represented to have been treacherously aiming to deprive her son of a part of his estate ? Did not the Marquis's brother *John de Tavora*, live almost as one of the Duke's household ? Did not the young Marchioness of *Tavora* generally go with the Duke's family to *Salvaterra*, when the Court went thither upon it's hunting-parties ? Did not the whole *Tavora* family seem intimate with the Duke's all the while he is represented to have been aiming to rob them ? And did not the elder Marchioness, immediately upon her arrival from *India*, (which was but just before the earthquake happened) appear openly at the King's *Opera* with the Dutchess of *Aveiro*, in the box which belonged to the Duke as Lord-Steward of the household ? And at the time of the earthquake, when the Marchioness made her escape with-

out cloaths, did she not send to the Dutchess of Aveiro for the necessaries she wanted? All these appearances of amity were undoubtedly previous to any conspiracy: What then must appear to the eye of candour, the whole virulence of railing (for it is no more) that is found in this section?

From the sixth *Section* we learn, that the Marchioness was so imposed upon by an old *Jesuit* as to believe him a Saint, and actually performed spiritual exercises under his direction: And that she was influenced thereby to represent him to all of her friendship and acquaintance as a man of great self-denial and a saint: That she held a daily assembly at her house for flanders and calumnies, in order to excite aversion and hatred to his Majesty's Person and Government, That the ordinary conversation of her house was one continued cabal of treacheries and plots; and that many of the agreements and plottings were there made for the committing of the insult of the third of September: That she assisted at several conferences for that purpose at the Duke of Aveiro's: That she confederated with other *Jesuits*: That she set herself up for a ringleader of the conspiracy, and that she endeavoured to draw into it all the persons that she could possibly decoy: And finally, that she contributed sixteen Moydores towards the reward of the hired assassins.

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On all of which I have no more to observe, than that it is no wonder a Lady should be imposed upon by the cunning and hypocrisy of *Jesuits*; who have so frequently mislead councils, and deceived Governments, nay whole Kingdoms. As for the rest there is only wanting, for our assent, the open proofs of the allegations, and of the Lady's defence.

Section the seventh says, that the Marchioness arrogated to herself the despotic direction of all the actions of her husband, her sons, her daughters, her son-in-law, her brothers-in-law, and other persons: And that being hurried away by a diabolical (*the delicate original says Luciferian*) spirit of pride, thirst of dominion, and greediness for riches, to join with the Duke of *Avicoro*, and the *Jesuits*, she did impiously and inhumanly decoy and ensnare her husband, children, relations and friends (*poor wretched fools*) into the aforesaid confederacy, and horrible insult: Using for the instruments of this infernal work, not only the opinion she pretended to have of the affected sanctity of *Malagrida* the Jesuit; but also the letters he frequently wrote to her, to persuade all her relations to go and join in spiritual exercises with him, the said *Malagrida*.

Here I must observe, that we are not told what these spiritual exercises were, or by what arguments these people were drawn in to hazard their fortunes, honours, lives, and souls,
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in an enterprize of so much guilt and peril, or for what end it was they undertook to kill the King: Since it is not so much as hinted that they had any design of usurping the Crown, or of altering the succession. The Marchioness indeed is accused of enormous pride, thirst of dominion, and greediness for riches; but they do not furnish us with a single instance how any of them were intended to be gratified: Every *English* Reader therefore, must of necessity say, *fewer invectives and stronger proofs would have contributed more to the satisfying of our judgments in this matter.*

In the eighth *Section* we are informed, that the first follower the Marchioness dragged into the plots of the Duke of *Aveiro* and the *Jesuits*, was the Marquis her husband, who made his house an infamous office of conspiracies, treacheries and plots; (*though we were just now told that all this was the doing of the Marchioness only*) that he was present at the conferences and conspiracies held at the house of the Duke of *Aveiro*: That he contributed twelve *Moydores* towards the pay of the assassins: That after the attack he was immediately reputed and declared by the public voice, to have been one of the accomplices, and was known to have been such by his own servants, and those of the Duke of *Aveiro*: That he was seen by the *King*, retiring from the conference held under the Duke of *Aveiro's* garden-wall, after the assault
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had been made ; and that he was present at the meeting which was held on the following day, at the house of the Duke of *Aveiro*.

Upon which let me observe, that if public fame fixed immediately this imputation on the Marquis, above all the rest of the conspirators, it must have been from some motive publicly known, and which could not have been any of those we have seen assigned in the foregoing sections. As for the other particulars, I have only to say, that however true they might be they required open proof, and people should have been as fully informed of all that the Marquis had to say in his own defence, or even in his excuse.

From the ninth *Section* we learn, that the young Marquis of *Tavora* was seduced, particularly by the *Jesuits*, into the confederacy: That he was at all the meetings held at his *Father's* and the Duke of *Aveiro's* houses: That two days before the assault was made, he sent cautiously two horses with their furniture to the Duke of *Aveiro's* stables: That he was in one of the parties on the field for attacking the King, and that he was also present at the meeting, at the Duke of *Aveiro's* house, on the following day.

In the 10th *Section* we are told, that by the same seductions the Count of *Atouguia* became one of the associates: That he frequented the house of the elder Marquis of *Tavora* for seditious purposes: That he contributed

tributed eight Moydores towards the hire of the assassins : That he was in the field on the night the attempt was made ; and that his Countess was present the next day at the meeting held at the Duke of Aveiro's.

In the 11th *Section* it is said, that the young *Joseph de Tavora* was seduced by the Marchioness, his mother, into the conspiracy : That he was in the field on the night of the attack ; afterwards at the meeting behind the Duke of Aveiro's garden-wall, and that, on the next day, at the said Duke's house ; and was the person who at one of those meetings said, *Alas ! The man ought not to have escaped.*

By the 12th *Section* we are informed, that *Braz Joseph Romeiro*, a corporal and servant to the young Marquis of Tavora, was entrusted by his Master with the secret of the conspiracy : That he conducted three horses to the field of action, and was in one of the ambushes placed for the attack ; and was afterwards present at the meeting behind the Duke of Aveiro's Garden.

From the 13th *Section* we learn, that *Antonio Alvares Ferreira*, and *Joseph Policarpo de Azevedo* (the first having been servant to the Duke of Aveiro) were by that Nobleman engaged in the conspiracy : That the Duke took them with him several times to shew them the carriage the King always rode in by night from his house in the *Mid-way* : That he

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employed them to buy two ordinary horses, that they might not ride such as would be known for his: that they were bribed by the Duke with forty moydores to this undertaking: and that these two persons fired into the chaise in which his Majesty was going to his Palace.

Section the 14th informs us, that *Emmanuel Alvares Ferreira*, a servant of the Duke's, had been several times employed by the Duke to send for, and go and fetch, his Brother *Antonio Alvares Ferreira*, one of the assassins: that he was employed by the Duke to buy disguises: that he had been entrusted by his brother with the secret three or four days after the insult had been committed: and that he was the person who snatched the *Notary's* sword, from his side, who was employed to arrest the Duke at his country seat, when the said *Notary* was stopping the Duke, who attempted to make his escape.

The 15th *Section* says, that *John Michael*, the Duke's page and confidant, was drawn by him into the conspiracy, and was acknowledged by the Duke to have been the *John* that was with him under the arch, when he aimed a discharge at the King's postilion, and his piece missed fire.

On the six preceding *Sections* I shall observe no more than that some of the parties must have been brought to confessions; but

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which of them, and by what means, we are not told, farther than that the Duke of *Aveiro* was one who did so, in the Section relating to his page. But it does not appear that the said page was one of the persons destined to fire, or that he had any fire-arms with him, but seems simply to have been an attendant there on his master. And as for *Emmanuel Alvares Ferreira*, whom the Duke is said to have drawn into the conspiracy, it is allowed that he did not know any thing of the matter till he was entrusted by his brother with the secret, three or four days after the attempt had been made; from which it is plain, that when he bought the disguises by order of the Duke, he did not know for what purpose they were to be used. So that he was sentenced for keeping his brother's secret, entrusted to him after the crime had been committed; and for fruitlessly snatching the Notary's sword from his side, while his master was endeavouring to avoid being arrested: which however he did not prevent, nor do any hurt with the weapon.

It may be proper here also to observe, that the forty moydores given to the assassins were the money of the Duke of *Aveiro*, for it can hardly be supposed he contributed the least portion who was by far the richest man. The Marchioness is said to have given 16 moydores, the Marquis 12, and the Conde de *Atouguia* 8: which making together 36, confines the contribution

tribution of the Duke to 4, a proportion not at all likely: and as we do not find that any others received money, it may be reasonably supposed the sums said to be contributed by the Marquis, Marchioness, and Conde, were never distributed at all.

The 16th *Section* is a flourish of nothing. The 17th relates how the horses were collected together; and how the parties ranged themselves upon the road, by which the King usually returned home when he had been abroad in a private manner; as was the case the night of the most horrible insult in question.

I must here remark, from the number of horses mentioned in *Section* 17 to have been in the field, that the ambushes must have consisted of eleven persons: whereas there have been but ten men condemned, and of those *Emmanuel Alvares Ferreira*, as I have already observed, could not have been one: consequently there must have been two more than we find named, who perhaps have been pardoned and admitted evidences: if so, it should have been thought proper to have informed us who and what those persons were. One of them possibly might be that *Anthony Joseph*, who, in the same *Section*, is said to have been a postilion to some of the *Tavora* Family, and one of the persons employed to conduct horses to the Duke of *Aveiro's* stables.

The 18th *Section* recapitulates the Duke of Aveiro's attempt upon the King's postilion, and makes his missing fire a miracle, as the flash in the pan made the said postilion spur his mules, by which means (as *Section 19* relates) the two other conspirators were forced to discharge their pieces on the gallop, and were by that means disappointed of their aim: so that his Majesty escaped with some most grievous and dangerous wounds and delacerations, which is called a second miracle. N. B. The latter part of this consistent *Section* says of the two discharges, that the one only grazingly offended the outer-part of the shoulder and arm, and the other grazed along between the said arm and the right side of the body, *offending only the outward parts, without affecting any principal one.* So that people who could have contented themselves with writing common-sense might have said, with more propriety, that his Majesty happily escaped, with very little hurt, by means of a most fortunate accident.

The 20th *Section* contains a becoming panegyric on his Majesty's heroic courage and unshaken serenity on this occasion: in which they say HEAVEN manifested a prodigy, by giving his Majesty deliberately to consider the danger that might attend his loss of blood from delay: and thereupon to order his postilion to turn about and drive to the chief Surgeon's

geon's house, who lived at *Junqueira*, where he would not suffer his wounds to be uncovered till he had made his confession of sins at the feet of a Priest, and returned thanks to the *Almighty* for his preservation. His Majesty's happy recollection and resolution in the scene of danger, constitute, say our Judges, a third miraculous dispensation of the divine OMNIPOTENCE, as by his Majesty's not continuing his route he escaped the other ambushes which would certainly have destroyed him.

I have here only to observe how liable people are to be deceived by erroneous informations. For, it is said, some blunderers wrote over, that the postilion, going on his first course, cried out he saw three more at some distance before him : on which his Majesty, they thought, very prudently ordered the fellow to turn about and drive the other way.

The 21st *Section* sets forth, that the criminals assembled after the assault behind the Duke of *Aveiro's* garden wall, and there gloried in what had been done : that the Duke struck his blunderbuss against the stones, uttering in a passion, *these infernal words*, * *Damnation seize thee ! when I want thee, thou art of no use to me* : that the Marquis of *Tavora* expressing some doubt of the King's

* The true translation of the words in the original, at this place, is, *The Devil take you* : they having no expression in their language that answers to *damnation seize thee*.

being

being killed, the *Duke* replied, *no matter, if he is not dead, he shall die* : upon which another of the associates said, *the point is, that he do but go out, &c.* : that *Joseph Maria de Tavora* asked, with great composure, after *John Michael*, who was not yet arrived : and that at their meeting on the next day, at the *Duke's* house, the assassins were reproached of not having aimed their fireings well : when others boasted, that if the King had come by them, instead of turning back to *Junqueira*, he had not so escaped.

I have to observe upon all this, that the alledged facts and circumstances are very strong : and that there is nothing wanting to satisfy our minds thereon, but clear and evident proofs of these matters : we must wish to know who gave this evidence, or made these confessions, and by what means they were induced to do either.

The 22d *Section* asserts, that if all proofs had been wanting for conviction of the accused, presumptions of law are sufficient for their condemnation, unless invalidated by absolute proofs of innocence on the parts of the defendants and this condemnation, not only to the utmost rigours of the law, but to every thing else that his Majesty shall be pleased to permit.

I surely may observe upon this very righteous doctrine, that in Portugal it requires
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no more for hanging a man than accusing him: for proofs of innocence may not always be in the power of the most innocent to produce.

The 23d *Section* says, that the law presumes he who has once been bad will always be such, in crimes of the same species with that he has already committed: and adds, that not one, but many have been the iniquities the two ring-leaders have meditated against the King and his Government.

Let me observe here, that they do not mention which those two ring-leaders were, nor what the iniquities are that they had formerly meditated. And sure the Law-makers, or the interpreters of them, must have been strange men, to think there can be no such thing in nature as a repenting sinner.

The 24th *Section* sets forth the usurpations of the *Jesuits* in the *Portuguese* dominions of *Asia*, *Africa* and *America*: accuses them of scandals and intrigues against his Majesty: and of being the devisers of the attempt against his Majesty's life. These allegations are strengthened, in *Section* the 25th, by supposing the persons most interested in committing such crimes are the committers thereof: adding, " *The said Jesuits having all the grand interests which have been mentionod (and which by their own acts and deeds they manifested in this conspiracy) in causing an end to be put to the*
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most precious life of our Lord THE KING, and to his Majesty's most happy Government; this single presumption of the law would also be sufficient to its being held for an uncontrovertible proof, according to law, that the said Jesuits were the criminals guilty of this execrable crime; principally when it is considered, THAT ONLY AN AMBITION SUCH AS THEIRS, OF MAKING A CONQUEST OF THE DOMINIONS OF THIS REALM, COULD BEAR ANY PROPORTION AND PARITY WITH THE INSULT UNHAPPILY COMMITTED IN THE NIGHT OF THE THIRD OF SEPTEMBER, OF LAST YEAR.

Here, I must observe, the whole load of this guilt is thrown upon the Jesuits; which was before so heavily laid upon the Duke of Aveiro and Marchioness of Tavora; who seem, with all the rest, to be entirely disculpated by this Section. But shocking sure, even towards Jesuits, must that conclusion appear, which absolutely draws a conviction of secret guilt upon those who may happen to be most interested in its consequences. From which practice of inferring treason must have followed, that had no perpetrators of this particular act of it been discovered, the guilt, in the eye of the law, must have rested upon the Princess of Brazil, as the party who would have reaped the greatest advantages from its having taken effect. From such laws, or from such
interpreters

interpreters of them, *Almighty* God preserve us.

The 26th *Section* makes appear, that the *Jesuits*, and more particularly *Gabriel Malagrida* of their order, had spread menacing suggestions against the Court; had prophesied, with the seeming confidence of revelation, that the King's life would be short, writing also in such a manner to persons in the kingdom and in foreign countries. But that when the attempt had miscarried, they altered their notes, and expressed their fears of being involved in suspicions of confederacy. All of which is like enough to have happened; but I do not find these letters have been authenticated and made public: and conviction upon assertions is not, nor ought to be, deemed justice in *England*.

The 27th *Section* asserts, that the same presumptive proofs would have been sufficient for the conviction of the Duke of *Aveiro*, had there been nothing positive proved against him. And first, the presumption of his bad morals, in notoriously having been the author of innumerable cabals and intrigues to gain power at the latter end of the late reign, and in that of his present Majesty, *in order to surprise his Majesty and obstruct his resolutions, as well in the Courts of Judicature as in the Cabinet, by means of Ministers and persons of the faction of*

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his uncle † F. GASPAR DA ENCARNAÇÃO, and of his own party; in such manner as that neither truth might approach the royal presence of our said Lord, nor any resolutions be taken which were not obreptitious, subreptitious (very break-teeth words these) and founded on false and captious informations. The same Section likewise adds, as another presumptive proof against the Duke, that his behaviour was arrogant before the committing of the insult, and abject after it.

I have to remark upon all this, that most of the allegations appear extremely forced and very extraordinary. The Duke, as I have observed before, was never reckoned a man of deep schemes, and his ambition evidently was more for parade than for power. I am afraid the Courts of Kings are too much the scenes of intrigue in all kingdoms: but as for the Duke of *Aveiro*, then Marquis of *Gouvea*, he certainly was not a man to acquire, nor was he ever supposed to have, any kind of ascendancy over such a Prince as *John* the Fifth, nor could the elevation of his uncle to power,

† *Frey Gaspar da Encarnação*, or Friar Jasper of the Incarnation. It is usual for Noblemen in that kingdom, when they enter into religious orders, to quit their family names, and they generally take others of sacred quality. Lay women, of low birth, have likewise very frequently the same kind of surnames; it being common to meet with Marys of *Jesus*, Catharines of *Christ*, Elizabeths of the *Holy-Ghost*, Anns of the *Crucifixion*, Janes of the *Resurrection*, and so forth.

have

have been at all owing to him. That Prince had long had a personal regard for *Frey Gaspar*, having for many years entrusted him with the entire care of his three natural sons at *Coimbra*, before he ordered him and them to *Lisbon*; where in the infirmity of his last years, his old Ministers dying, he entrusted him, in a considerable degree, with the conducting of the affairs of his kingdom. Nobody ever doubted that the uncle's power contributed greatly to the nephew's success in the prosecution of his law-suit against the Spanish Duke *de Bankos* for the Dutchy of *Aveiro*, which however, as has been before observed, was not finally adjudged to him till the second year of his present *Portuguese* Majesty's reign: when *Frey Gaspar* was, in general, thought to have as little power as any man in the kingdom. As to the Duke's pretending to have any great share in the Government of the realm during the reign of his present Majesty, I believe the public have never so much as suspected his having any such desire, nor was he ever considered in any other light than as an officer of the Court, and not as a Minister of State. That he might disapprove of many public measures, I make no doubt, and so I may venture to say have nineteen-twentieths of the Nobility, and of the whole people of the kingdom. If truth has been prevented from approaching the

royal presence, the party that obstructed her is very well known, and shews a great consciousness of knowing it himself, by the extraordinary care that he causes to be taken of his person. Perhaps the Duke might avail himself of the personal intercourse that his office naturally secured him with the King to represent his own sense, and that of the nation in general, of some measures that have been thought too violent; which may fatally have created him a most powerful enmity. Ambition and avarice are very violent passions. If the Duke has suffered from the effects of them, *Heaven* grant that the whole nation does not sink under them at last. As to the general moral character of the Duke, it was undeniably very good: the immorality hinted at, therefore, must have been the single one of opposition.

Section the 28th informs us, that the diabolical spirit of pride and insatiable ambition, accompanied with the most daring and intrepid haughtiness (but sure never did look and demeanour seem more to contradict this character) of the Marchioness of *Tavora*, were sufficient to excite her to run into the greatest insults, and particularly into the one in question: it being equally notorious that, instigated by those blind and most ardent passions, she had the boldness (along with her husband) to offer a remonstrance to our Lord, THE
KING

KING, for him to be made a *Duke*; notwithstanding that all his insignificant services had been fully requited with the promotions he had obtained in the year 1749, the year in which he set out for the state of *India*; and that there was no precedent in the chanceries of the realm, of any one in that post being promoted to the title of Duke, not even for such important services as those of the many and great heroes who have illustrated the *Portugucze* history with their glorious feats: it being equally *notorious*, that both the said criminals, *without consideration or shame*, were incessantly persecuting the Secretary of State for domestic affairs for that promotion; which, as it was not comprised in the usual course of grants, they haughtily and incessantly demanded *and sued for*, as a debt of justice: it being equally certain that the same Secretary of State was compelled, in order to check those daily importunities, and the successive reproaches which thence resulted (*of himself we must suppose*) to make the said criminals comprehend in a polite and decent manner (*moderate, mild and good man!*) that their pretension had no precedent to support it: and this necessary act of undeceiving them, proved, though involuntarily, the foundation of that passion and interestedness (*here seems to be not a little absurdity and nonsense*) with which the said Marchioness, Lady *Eleanor of Tavora*,
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went and reconciled herself to the Duke of Aveiro (*what did she know of his plot before then, while she was his bitter enemy?*) and declared herself one of the ring-leaders of the barbarous conspiracy contrived by him, in order to obtain, by the favour of the same Duke (*how was her ambition to be here satisfied for getting above him?*) with the ruin of Majesty and the Monarchy, that ducal title (*if Monarchy was to be ruined, how could she get the title? and what proof has been given, nay what assertions so much as made, that they aimed to overturn the Government, or even to alter the succession?*) which the vehement ambition of rivaling her aforesaid brother-in-law in the same title had inflamed her with. STRANGE INCONGRUITIES OF SUPPOSITION!

I must observe here, first on the demanded title of *Duke*, that it has been usual to give titles, or advance such as had been before enjoyed, upon an appointment to the post of Vice-roy of *India*. Let us look, for examples of this, into the latest promotions of this kind. When the Conde de *Ereceira* was appointed, he was made Marquis of *Lourisal*: when the Conde de *Affumar*, he was made Marquis of *Castella-nova*, which title was afterwards changed to that of *Alorna*: when Don *Luiz Mascarenhas* (who succeeded the Marquis of *Tavora*) he was made Conde de *Alva*: thus it is shewn to have been of late
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the custom to bestow honours, from instances immediately preceding and following the serving of that office by the Marquis of *Tavora*. As to the want of precedents for the making Vice-roys of *India* Dukes; that, in the case before us, appears no better than a meer evasion; since very few, if any, who were Marquises before have ever undertaken that office: and if it has been customary of late to make Condes Marquises upon that preferment, why not Marquises Dukes, as it is but the next title in ascent? When the Marquis was appointed, at the end of the late reign, it was universally said, he demanded that advancement: and how do we know that it was not promised him on his return, upon condition of his behaving well in the employment: if so, his demanding it as a right was not blameable. The Marquis had the happiness, which some Vice-roys of late have wanted, to render his services in that employment acceptable, and of returning from the station with honour. Was this in itself no plea for an advancement of title, which has been very lately bestowed on two of the *Abrantes*, and one of the *Alafoens* families, and that to a family so very illustrious as the *Tavoras* are allowed to be in blood? So much in excuse for the pretension. But can any one suppose that this could be the sole motive for instigating them to so desperate an undertaking and so dire a revenge. Much less
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can it be supposed to be done out of envy to the Duke of Aveiro's acquiring judicially the succession of the honours and estate he enjoyed. But to suppose that envy could drive them to join with the very party they are said to have envied and hated in order to acquire, through his favour, the rivalling advancement, is an humiliation that is so inconsistent with the nature of rancorous envy and enormous pride as to destroy the foundations of credibility in this matter. Nor does it appear how the Duke of Aveiro would, or could, have gratified them in this point; there being not so much as any scheme hinted at, that was ever laid down for that purpose. As to the want of shame and consideration in the Marquis and Marchioness for soliciting those honours of the Minister in the department of such business, I think it is a reproach that is indelicate, and should have been spared as evidence (being extremely trifling and insignificant) by a party who was sitting on them as Judge. But what is there in this weighty Section more than suppositions, presumptions, and exaggerations? And what indeed does there appear in this whole angrily dictated and hastily written sentence, but assertions, invectives and inconsistencies?

Section the 29th says, all which considered, and the rest contained in the process, together with the resolution which it has pleased our said Lord to come to in the *consultation* of this Tribunal,

Tribunal, by *amplifying* the jurisdiction and authority thereof, to the end that it may *extend* the penalties deserved by these infamous and sacrilegious criminals, in such form as may proportion them *as much as possible* to their execrable and most scandalous crimes: they condemn, &c.

This is the preface to the condemnation; which requires no farther comment than what the Italics I have distributed in it will afford, I shall therefore now proceed to discuss the merits of the pains and penalties inflicted by the Judges on the prisoners.

Joseph Mascarenbas (Duke of Aveiro, whom this judicial piece has sometimes stiled Don, and sometimes not) they condemn (he being already *unnaturalized, divested of the honours and privileges of a *Portuguese*, and of a vassal and servant, degraded of the order of *St. Jago*, of which he was a commendatory, and resigned up to this Tribunal and to the Lay-justice, which is therein administered) to the punishment that he be conveyed, with a halter about his neck, and proclamation of his crimes, to the Square upon the Quay of the town of *Belem*; and that there upon a high scaffold, after he has been broken alive by the rupture (*I think they should have said smashing*) of the eight

* This will presently appear to have been done by the Tribunal, called The board of conscience and military orders.

bones of his legs and arms, he be exposed on a wheel; and that, after this execution being done, the same criminal be burnt alive, with the said scaffold on which he was executed, till all be reduced by fire into ashes and powder, which shall be thrown into the sea. And though already condemned, by the Tribunal of military orders, to the confiscation of all his real and personal estate to the use of the crown, as has been practised in the cases wherein the crime of High Treason has been committed; nevertheless, considering this as having been a case so unexpected, so unusual and so extravagantly horrible and unthought of by the laws, that not even they have provided for its exorbitant foulness; therefore from this motive our said Lord was *entreated in the consultation of this Court, and his Majesty was pleased, in conformity to its request, to grant it the ample jurisdiction to ESTABLISH all the punishments which should be settled by A PLURALITY OF VOTES, over and above those which by the laws, and the dispositions of law, are already established.* And considering that the punishment the most conformable to equity (*they should have added mercy and patriotisim*) is that of erasing and obliterating, by every means, every memorial of the name and remembrance of such enormous criminals; they also condemn the same criminal, not only in the penalties of the common law, that his arms and achievements, wherever

wherever placed, be pulled down and rent in pieces; and that the houses, and material edifices of his abode, be demolished and crazed in such sort, that there may not a sign of them remain, being reduced to a wild and covered with salt; but also, that all effective houses or estates by him enjoyed, in those parts thereof, which have been established in properties of the Crown (as, for example, those estates were, which are specified in the grants of the house of *Aveiro*) and all such-like be confiscated, and from this time forward forfeited, with effectual reversion and re-incorporation in the said Crown, from whence they derived; NOTWITHSTANDING THE ORDINATION OF BOOK V, TIT. 6, SECTION 15; AND ANY REGULATIONS OF LAW, CLAUSES OF INSTITUTIONS, AND GRANTS WHATEVER, HOWEVER EXUBERENT AND ANNULLING THEY MAY BE: THIS DECISION BEING CONSULTED WITH OUR SAID LORD: AND HE BEING HUMBLY BESOUGHT TO PASS ORDERS FOR CANCELLING, ANNULLING AND DESTROYING THE SAID TITLES IN THE TOWER OF TOMBO (*which is the repository of records*) AND IN ALL OTHER PLACES WHERE-TO THEY MAY BELONG: to the end that, as cancelled and annulled, no more copies may be extracted from them; and that those which may be found in private hands, already extracted from thence, be no more admitted in

judgment, or out of the same : in which no faith or credit shall be had, towards their being alledged, produced or attended to; in any audience or adjudgment; but rather as they shall chance to be produced. They shall be sequestered and sent to the solicitor of the Crown, to be torn and rent, as null; that, as such, they may be of none effect, nor cause any demur. The same they order to be observed, with respect to the copy-holds of any kind whatever, with the proviso established, concerning the sale thereof in benefit of the Lords of the Manors, by the ORDINATION OF BOOK V, TIT. 1, SECTION 1. With regard to the other entailed estates, settled with the patrimony of the entailers, they declare that the statutes are to be observed in benefit of those who ought to succeed to them, as they are found in the ORDINATION of Book V, Tit. 6, and Section 15.

By these articles of condemnation it appears, that a dispensing power had been solicited and obtained by this High-commission Court for abrogating what laws they pleased in order to inflict extraordinary and unconstitutional pains and penalties on their prisoners. For a pretence to do which, they plead the case to be such as no laws had provided an adequate punishment for, as the makers of them could never suppose such a crime would be committed. This I apprehend could not have been
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the case, because there had been actually rebellions in the kingdom : as, for example, in *Afonso* the Vth's time ; when that Monarch in person fought against a rebel army for his Crown and life. And the conspiracy in *John* the IVth's reign was formed not only against the life of the King and his whole Royal Family, but also to deliver up the kingdom into the hands of *Spain* : whereas this treason was singly against the person of the King ; for there appears not even a suspicion that there was any intention of making an alteration in the succession to the Throne. The plea, then, for the making of these severe innovations I must presume to consider as ill-founded.

In the next place I must observe, that the torturing execution these unhappy people suffered is entirely unconstitutional, and without precedent in the kingdom. We do indeed read in their history, so long ago as in the year 1357, that there was a very barbarous execution made by *Peter* the First, sur-named the Cruel, of two persons he was outrageously offended with, not only against law, but probably without trial. The affair was this : *Peter* had been married in his father's life-time, and was become a widower with but one son : and having had an intrigue with *Dona Agnes de Castro*, a Lady of distinction, his passion for her became so violent, that he was married to her in secret. His father, *Afonso* the IVth,
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who had no other son living, nor any colateral heirs to his Crown, knowing of *Peter's* amour, but not of his marriage, was extremely desirous of espousing him to another: but finding his son's attachment to a supposed mistress unalterable, he at last employed three of his Courtiers to make away with her. This they did, unhappily for themselves. For *Peter* soon after succeeded to the Throne: when they, fearing his indignation, fled the kingdom. But his wrath was so implacable, that he was determined on revenge; and accordingly agreed with *Peter* the Cruel of *Castile* to give up some offenders to him who had taken shelter in *Portugal*, for *Pedro Coelho* and *Alvaro Gonsalves*, two of the assassins: as for *Deogo Lopez*, the third, he fortunately got a securer sanctuary. When he had those two men in his power, he ordered their hearts to be torn out alive, and their bodies to be burned; which was accordingly executed in his presence. This however appears to have been no condemnation of the law, but the arbitrary act of an inflamed tyrannical spirit, and may be so judged from the frantic extravagance of affection that appeared in every thing he did concerning that Lady; whose body he caused to be taken from the grave, had it solemnly crowned, obliging the states of the kingdom to kiss her hand, in token of their acknowledging her for Queen, and then buried her at the royal convent of *Alcobaça*,

cobaça, with every circumstance of regal pomp, declaring her to have been legally his wife : and some of the children he had by her he moreover caused to be acknowledged for legitimate Princes.

This, therefore, is to be considered as a meer act of power, and no proof that it was warrantable by the constitution, any more than the execution of Lord *Hastings* was in *England*, who was ordered to the block, without trial, by the Protector, afterwards *Richard* the Third. However, tyrannical and outrageous as *Peter* was, he contrived not an execution for those victims of his wrath so shocking as that which is now under consideration. Nor does the history of *Portugal* furnish an instance of any other punishment, for civil crimes, but what was agreeable to mild justice and amiable humanity.

The Conde *de Ereceira*, in his history of the restoration of *Portugal*, gives a very particular description of the execution of the four Noblemen beheaded in the year 1641, for a conspiracy, as I have mentioned before, calculated for the most extensive mischiefs, and, consequently, full of the most enormous turpitude. They were executed in the *Raça* (a large square within the city) being conveyed thither the preceding night to separate apartments in the same house : from the first floor of which they were conducted, by a passage built

built up to a scaffold, whereon there were placed four armed chairs, in which they were executed, with an observance of rank in their situations: Don *Agostinho Manoel*'s being placed on the floor of the scaffold (which this writer calls a theatre, and was undoubtedly ornamented) the Conde de *Armamar*'s on an elevation of one step; that of the Marquis of *Villa-real* on one of two steps; and that of the Duke of *Caminha* on one of three: while all the meaner conspirators were hanged on an higher gallows than ordinary, and afterwards quartered. Thus far were the proceedings against those offenders without any levelling of distinction. The Noblemen had no halters put about their necks, nor were condemned to the suffering of any such ignominy. When they went separately out, each had his thumbs tied together with a black ribbon, and was grandly accompanied by Judges, Justices, Gentlemen, and his own servants; with *Portugal* King at Arms, in his habit, to make the publication of offences: and they were afterwards buried in sacred ground. Nay with such humanity does that cotemporary Court-writer treat of their suffering, that he mentions, with detestation, a barbarity of the rabble's towards the Marquis of *Villa-real* in the following words. “ *O Algoz, que cuberto o rosto fez a execução, lhe ligou os braços e os pès á cadeyra em que estava sentado: nesta borrenda*

horrenda fôrma mandou pedir ao povo, que em grande numero assistia no Roçio, que lhe perdoasse a offensa que havia feyto ao Reyno. Entendeu este cego, e distatinado monstro, que o perdão que pedia era da vida, e com grande furia repetiu tres vezes; MORRA: escandalo que enteneceu muyto os animos menos desacordados.

“ The executioner, who with his face covered performed the execution, bound him by the arms and legs to the chair in which he was seated: in this horrid situation, he sent to ask of the people, who in great numbers were assembled in the Roçio, their pardon for the offence he had committed against the Kingdom. But that blind and outrageous monster, imagined the pardon he asked was, that he might live; and with high fury repeated three times, DIE. An outrage that greatly affected the spirits of those who were less inconsiderate. Such was the decorum of high judicial proceedings in those days; such were the regards paid to rank in the worst of offenders; and such the delicacy of representation of the matter by a Court Author: in all points far differing from what we have lately seen and heard of from the same country.

Nor can I conceive the sentence should be called legal with regard to confiscations, which we are told could not be made without the absolute will of the King's interfering at the solicitation of this High Court of Judicature,

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for the empowering of it to annul the constitutional laws of the kingdom for that purpose. We have had judges of our own nation that have abetted a power claimed by Kings for dispensing with laws, for the gratification of their own wills; but the sentiments of the nation are too well known on those points for requiring my conducting the reader's mind into suitable reflections thereon. And to say the truth, we have seldom seen any excesses aimed at by Courts, that they have been wanting of Judges very readily to espouse. They are indeed, from their very offices, too much parties in such causes: for in proportion to the tyranny of Crowns is the tyranny of Tribunals to be extended. It is however wonderful that for their own personal gratifications men should hazard the happiness and safety of their posterities; yet such generally has been, and I am afraid ever will be, too much the case in all countries; the present gratifications of mens passions being so powerful an object as to hood-wink their reason, and make them regardless of consequences.

Francis de Affiz and *Tavora*, late Marquis of *Tavora*, (having been degraded in the same manner by the Tribunal of military orders) they condemn to the suffering of the same pains and penalties that had been adjudged to the Duke of *Aveiro*: and farthermore, in consideration of the seduction of many persons of his

his family into the same conspiracy, his very name is doomed to oblivion ; being never more to be used by any person in the kingdom, under the penalties of forfeiture of all their goods and chattels to the use of the Crown, and of being outlawed, and deprived of all national privileges.

Why the elder Marquis of *Tavora* should be condemned to the suffering of greater pains than the rest who did not fire off their pieces at the King's equipage, I can see no just reason for, especially as he is represented to have been weakly seduced into the conspiracy ; and the drawing of all the rest of his family into it is attributed solely to the great influence which the Marchioness is said to have acquired over them. However, he was considered and punished as the second ring-leader in the conspiracy, while it evidently appears, from the very sentence itself, that he was no ring-leader in it at all. And as for the additional stigmatizing circumstance of quite obliterating the name of *Tavora*, that is an ignominy as unprecedented as it is cruel. Sure the treatment of the names of such low wretches as a *Damien* or a *Ravilliac* ought not to have been made examples of, in the case of one of the most illustrious families in *Europe*. As for the Marquis's particular branch of it, as they are ruined and made infamous, it is perhaps become of little consequence to them, whether

they continue with it or not. But what had the house of *São Vicente* done to merit the loss of their name, which is *Tavora* ; or that of *St. Miguel*, who likewise use it, and many other very noble families, who have added it to their respective names in right of female descent : not one of all whom were any way concerned in this conspiracy. This surely was a very unnecessary severity that may tend, from the wantonness of its cruelty, to alienate the affections of many good subjects from his *Portuguese* Majesty's person and Government, and seems to have been the effect of desperate and rancorous counsel. Are the names of *Noronha*, *Menezes* and *Manoel* less used now, or considered as less illustrious, than they were before the Noblemen who wore them were executed in the year 1641 for high treason ? Barbarous therefore ought to be considered, by all the world, the proceedings that have taken place with regard to the extinguished name of *Tavora*, and those by Judges, who have almost all of them, no claim whatever to any of the honours of true Nobility in *Portugal*.

There was indeed a reason assigned, in the *Gazette*, for this proceeding with regard to the name of *Tavora*, which the sentence does not mention, nor could it, because the fact is quite otherwise. That assigned reason was, that the *Tavoras* condemned were the heads of their family, but that the Duke of *Aveiro* was

was a of younger branch of the name of *Mascarenbas* : whereas it is most certain, that they were alike the heads of their respective families. The right of the *Tavoras* to that honour is not disputed : and the Duke's was as indisputable, as may be seen in the best and latest book on that subject, which is entitled, *Memorias Historicas e Genealogicas dos Grandes de Portugal*, by *Don Antonio Caetano de Souza*, a living author ; and published with all licences and authorities : who says of the Duke's family, under the title of *Gouvea*, in the mention of an ancestor, “ *Delle são descendentes os Condes de Santa-Cruz, Marquezes de Gouvea, em quem se conserva a primogenitura da familia de Mascarenbas.*” Of him are descendents the *Earls of Santa-Cruz*, now *Marquises of Gouvea* : in whom exists the *primogenitorship of the family of Mascarenbas*. Now the Duke, it must be observed, has been otherwise treated as the most guilty person ; but in this case he is not ; which is certainly a most glaring partiality. The family of *Mascarenbas* is greatly the most numerous ; that of the *Tavoras* peculiarly illustrious, both of which considerations might perhaps contribute to this invidious distinction made : that is, fear with regard to one, and envy with regard to the other. For I see no other rational grounds upon which this resolution could have been founded, of sparing the
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most guilty person's name, and sacrificing his who was less so.

I shall say nothing to the condemnation of the two actual assassins : but cannot forbear observing how extensively levelling the spirit of this High Court of Judicature has been, in linking together in the sentence (as they did in the order of execution) the highest and lowest subjects of the kingdom : for they croud together in immediate succession, in the same article of the sentence, the young Marquis of *Tavora*, the Conde de *Atouguia*, *Joseph Maria de Tavora*, and three servants, which is not only an affront to the Nobility of that kingdom, but to all the Nobility of the whole world, who should in every circumstance be kept above a treatment in common with menial servants. If the latter were assassins for hire, the others must have been such from, at worst, a superior principle ; so that on that consideration, had there been no other, a distinction in prosecution was due to them. But the preheminences of birth have been long levelling in *Portugal*, and advisers of it must take care that it does not appear too glaringly the effect of malevolence in those who are destitute themselves of all claims to the honour of it ; for the dignity of it is too strongly rooted in the opinions of the people of that kingdom to be easily eradicated from the general mind :
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and those who are in possession of it will never cease to consider it as an unalienable advantage, and entitled to very peculiar privileges.

It is in this article also that we find the children and grand-children of these unhappy persons are to be held for infamous, which, with respect to many of them, is to be considered as a sentence given against persons who are yet unborn. I must here observe, that if this had been the constant, or constitutional, practice of that kingdom, the present royal family could never have been elevated to the dignities they now enjoy; for their direct paternal ancestor, the second Duke of *Braganza*, was beheaded at *Evora* for high treason in the reign of *John* the Second, whose granddaughter was so far from being held infamous, that she married to a son of King *Emmanuel's*, the immediate successor of *John* the Second to the Throne; a daughter of which couple's being afterwards married to a Duke of *Braganza*, gave that family their title to the Crown which they now possess. *John* the Second is stiled, by their historians, the Perfect; and is accounted the greatest of all their Kings. Yet for resuming some grants that his Father had made to the Nobility he had two conspiracies formed against him by the greatest personages of his kingdom. The first was of the Duke of *Braganza* in favour
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of *Spain*, for which he was executed, as I have already related. The second was headed by the Duke of *Viseu*, first cousin to the King in whole blood, and brother to the Queen, in which were also engaged the Conde de *Penamacor*, the Bishop of *Evora*, and six other Noblemen. Their design was to kill the King : and they had fixed upon doing it several times, but something had always happened to prevent them. At last the King got knowledge of their scheme, and the parties engaged in it : upon which he sent for the Duke to the Palace, and said to him, *Cousin, what would you do to the man who intended to murder you ? I would kill him if I could*, replied the Duke. Upon which, says the King, *You are sentenced :* and immediately killed him with stabblings. Of the rest of the conspirators, who were all legally convicted, three only were beheaded : the Bishop of *Evora*, who as an Ecclesiastic could not be put to death, suffered a worse fate, being confined in a cistern till he died : the rest were no otherwise punished than by banishment. This great King was however suspected, at last, to have died poisoned, at the age of forty, and was succeeded on the Throne by *Emmanuel* ; brother to that Duke of *Viseu* whom he had killed : but *John* had a son living when the conspiracy was formed for which he did it. Thus had there been conspiracies to kill Kings in *Portugal*, notwithstanding

standing the late High-Commissioners were pleased to declare in their sentence, that no adequate punishment had been provided by the laws for such offences, upon the supposition that past ages had not conceived such a crime could be committed.

The last article in the sentence under consideration is the condemnation of the Marchioness, who, for certain just considerations, (exempting her from greater punishments, which by her crimes she deserved) they condemn *only* to be conveyed, *with a halter about her neck*, and the proclamation of her crimes, to the same scaffold, and, thereon, she suffer * natural death to perpetuity, by having her head seperated from her body; which shall be afterwards by fire reduced to powder, and thrown also into the sea, in the manner aforesaid. They also condemn the same criminal in confiscation of all her goods to the use of the Crown: comprehending in this confiscation those of entail which may be founded on property of the Crown, and copy-holds of the like nature; together with all other penalties which have been established for the extinction of the memory of the criminals, *Joseph Mascarenhas* and *Francis de Affix of Tavora*.

* This term of natural death is in all sentences for execution in *Portugal*. I have asked a Judge, myself, the reason of it; who, after some hesitation, answered, they considered it not as a natural death, but as the death of nature in the party.

This sentence we have since seen has been executed with all its amazing circumstances of Horror. It may be proper here to observe, that this appears to have been the first woman of distinction ever executed in *Portugal* : nor can I find in their history, that any Ecclesiastic has been there publicly executed for a civil crime. How it fared with the Bishop of *Evora*, for conspiring against the life of *John* the Second has been shewn. The Archbishop of *Braga*, who was the chief of the conspiracy in *John* the Fourth's reign, died confined in the Castle of *St. Giaó* ; and the Bishop of *Martyria*, who was convicted of the same crime, after living imprisoned many years in the Tower of *Belem*, was at last sent to the Convent of *St. Vicente*, where he finished his days. We shall see how it will now fare with the *Jesuits*, who are convicted of contriving the late plot.

It must be needless to make any farther remarks on the very strange stile in which this sentence is written ; so full of bitter invectives and strained conclusions, that it cannot but appear dictated by an inveterate spirit. Nor can it possibly fail of raising indignation in a country like ours, where all established laws in such cases are held inviolably sacred ; where all cruelty in punishments is detested, and where the administration of justice is ever tenderly mild and endearingly humane, even
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to the most flagitious offenders. Where strong and open proofs are held requisite for conviction; and where the Judge that enumerates them, in justification of his sentence, is as soft in his language as he is forcible in his arguments; and never gives judgment without expressing great sorrow and compassion for the criminal who receives it.

We justly abhor the proceedings of the Inquisition, for the cruelties of their torturings, the close sequesterings of prisoners, the obscuring of evidence, and every detestable regulation of that Court, which the members of the High-Commission I am treating of term holy, but which (to make use of their own favourite language) sure none but a *Devil* or a *Dominick* could have invented. Yet are the unhappy creatures that are there secretly convicted solemnly led to the church of *St. Dominick*, and in public hear the list of their offences there read over to them; where they may object; and have sometimes done it, to the facts pretended to be proved upon them. From thence, those doomed to execution are led publicly, near a mile, to the lay Tribunal, where they are in open Court sentenced to death by the civil Judges; and may publicly speak, even to the asserting of their innocence, if they please. From whence they have another leading, of near half a mile, to the place of execution; and even at the stake have the li-

berty of speech not denied them. All indeed that they can any where say, with regard to to their lives, will, I own, avail nothing. But still they have at least the satisfaction of being publicly heard, in the denial or extenuation of their guilt.

How it has fared, in these points, with the unfortunate persons I am now writing about, I own it is not in my power satisfactorily to determine. Their Judges have cleared up no matters of this sort to the public, nor has the authority which has given us their sentences, said a word on that subject. It is not, as I mentioned before, in my power to assert any thing thereon: I shall therefore only take upon myself, for public satisfaction, to ask a few questions; which, if not answered explicitly, will open matters very fully to general comprehension. The interrogatories I have to offer are as follow.

Were these condemned personages, from the hour of their arrestment to the minute of their deaths, ever permitted to see their relations, friends, servants, or one another?

Were they allowed procurators or advocates for the making of their defences?

Did they ever see any other persons whatsoever, during the time their whole confinements, than examiners on the part of the Crown, or the people who were made use of to torture them?

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Did they see the confessions as written down of any of the parties, or the depositions, in the same manner, that were given against them ?

Were they allowed to produce evidences in their own behalf, in order to invalidate what was deposed or confessed against them ? Or, in order to the making of their defences, did they know who their accusers were ?

Were the Friars who attended them after condemnation, and at the time of their execution, of their own choosing, or such as were specially assigned them ?

Did they desire to communicate any thing, by writing, to the public of any kind whatsoever ? and if they did, was it refused or allowed them ?

Did any of them wish, or attempt, to speak on the scaffold ; and were permitted or hindered the doing of it ?

These are very material points to be fully known, for the satisfying of our Judgments in these matters : for without knowing them, we can only consider this published sentence as no other than a memorial of their prosecutors, and afford it no other authority than what is due to writings which the opposite parties are not permitted to answer. And should not these absolutely essential points be satisfactorily cleared up, ought we not to conclude, that the proceedings with regard to these
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great personages have purely inquisitorial, nay that they have gone out of the world without having had any opportunity afforded them for being once openly heard? a treatment that is more rigorous than that of the Inquisition itself. Let me not be misunderstood in this matter. I do not say this has been the case; but only observe that it may have been, for ought that we have heard to the contrary.

Upon the whole. Without aiming in any shape to be the vindicator or excuser of regicides, homicides, or persons guilty of any wickedness whatsoever; I have only undertaken, in this tract, to arraign a publication in this nation of invectives and assertions unsupported by proofs, as authoritative of the condemnation and execution of six very dignified personages for an extraordinary crime, and in an extraordinary manner. The sentence itself sets forth, that the laws have been dispensed with, by absolute will, for the extending of pains and penalties, on the plea of the offence being without precedent. This plea I have also ventured to controvert, by producing instances of simular accusations and convictions, without their drawing after them punishments excessively rigorous: and my authorities I presume will be held sufficiently good, when I say the histories from which they are taken are to be considered as having all the validity of records: for they are printed with expatiating
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and verifying licenses from the Court, the Inquisition, other Tribunals of the Kingdom, and of learned Societies: And I have been altogether as candid in the extracts I have made from them, as I have been impartial in my representations of other Matters.

But as the proceedings of this High-Commission Court, and its sentence, seem to assert a right to absolute despotism in the Crown, and, as ceded therefrom, in themselves; it may be proper to satisfy the Reader's mind as much as possible in the enquiries he would wish to make on the rectitude of such a power so asserted. Now the Conde de *Ereçeira* says of the fundamental constitutions of the kingdom, made by the states thereof so long ago as in the year 1145, in the city of *Lamego*, that the good of the nation was the chief object of their establishment; and with regard to some strong regulations that they made concerning the regal succession, he has these remarkable words, "*Querendo mostrar que instituação Principes para Republica, e não Republica para os Principes.*" That is, *Intending to shew that their institution of Princes was for the sake of the Republic, and not of the Republic for the sake of Princes.*" And the same noble author records one of their articles of union with *Spain* to have been, "*That if it should so happen that either be. (Philip the second) or his successors, do not truly observe all that is promised*
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and sworn to, that then the three states of the kingdom (nobility, clergy, and commonality) be not bound to a concurrence therein, but may freely refuse subjection, vassalage, and obedience, without, by so doing, incurring the guilt of high treason, or hazarding any kind of penalties." And it was accordingly on a breach of those articles, on the part of the Crown, that they grounded their right of revolt from the *Spanish* government.

When they asserted their independency, and seated the Duke of *Braganza* on their throne; the coronation-oath which he took, the Conde tells us, was what had been customary for their monarchs to take, and was as follows: *I swear and promise, with the grace of GOD, to rule and govern well and rightly; to administer entire justice as far as human frailty can admit; to observe all good customs, and to conserve all privileges, grants, honours, liberties, and immunities, which by the King's, my predecessors, have been granted, authorized, and confirmed to the subjects of these realms. And the substance of the oath taken by the state to the King, is, as the true and natural successor to the Crown: As obedient and dutiful subjects, to obey him in all things, such as orders and judgments, high and low, in peace and in war, and to acknowledge no other King and Lord. All of which they swear by the Cross, and on the holy Evangelists: And, in token of their sub-*
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jection, obedience, and recognition, respectively kiss his royal hand.

It may be proper here to observe, that in neither of these oaths is there any express mention made of the laws. And yet in the good customs, privileges, grants, honours, liberties, and immunities, they must fairly be considered to be implied. And I must moreover observe that their great body of laws, called *The ordinations of the kingdom*, have been always considered, and are so still, as constitutionally fundamental, and restrictive of the royal will, as will be presently shewn in a very extraordinary case.

That the established oath is continued to be taken by all Kings of *Portugal*, may be concluded from the ceremony of their coronations's being exactly the same as that described by the Conde de *Erezeira* of *John* the fourth. I myself saw that of his present most faithful majesty, in which all the nobility and tribunals assisted; but the clergy and commons had not their representatives as in the *Cortes* of old, but ordinary standing deputies, now named for form's sake only, as meer members of an office by the King. The theatre erected on that solemn occasion, was, as usual, in front of the palace. And when his majesty had taken the oath on his throne, it was signified on the spot by unrolling the ensign of state and waving it about, with a general salute of voices on the theatre; which was followed by the acclamations of the people, and a discharge of artillery

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lery in the castles, forts, and shipping; upon which the general cry was, *he is now made King*. This, I think, shews that there are conditions of governing yet prescribed in that kingdom. And if among those conditions the preservation of ancient customs, and constitutional rights have place, the reader will be able himself to determine, from what I have related, how far they have been infringed by the proceedings at present under consideration.

But that the *Portugueze* have lately considered themselves as entitled to the exerting of a high constitutional power is most evident from their proceedings in the year 1668; when they solemnly (and they asserted legally) deposed their King *Alfonso* the 6th, for bad government: Which proceedings they founded on the pleas of incapacity, tyranny, and improvidence.

The first allegation they declared had been too notorious to require the instancing of particular proofs, such as the King's having been infirm both in body and mind, from an illness which he had in his infancy; that he had taken into his confidence persons of mean birth and bad morals, and had supported them in excesses that were scandalous to the Crown, and dangerous to the kingdom. Upon all which, they pleaded examples from the Histories of their own and other nations for their renouncing, from such causes, all obedience to his government.

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The first example they quoted was of their own King, Don *Sancho* the second ; who they said was good and just in himself, but from suffering himself to be misled by evil and unworthy Councillors and favourites, he endangered the kingdom, and aggrieved the good subjects thereof ; and therefore, with the approbation of the Pope, they deprived him of rule, and gave the Crown to his brother, Don *Alfonso* the 3d. They then proceeded in giving three similar instances of deprivation from the *French* history, two from the *English*, and one from the *German* : alledging that it was unnecessary to furnish more, though numbers might be produced from the histories of all Nations.

In support of the second allegation they asserted, that it is necessary Princes should exercise justice tempered with lenity, and that they make themselves equally loved and feared by their people. They then produced * instances, from many kingdoms, of monarchs that had been deposed for tyranny, and accuse their own King of having been disobedient in his youth to his mother ; of having banished great and eminent people from the kingdom ; of having entertained men of factious spirits in his service ; of having advanced mean and unworthy persons to honours and dignities ; that he protected them in insolencies, and that

* I cannot help observing here, that these learned states made many egregious blunders in the authorities they produced from foreign Nations.

he sold honours and public employment, which they said, were the treasuries of the republic for the rewarding of the meritorious.

In support of the third allegation they urged, that before his majesty took the reins of government into his hands, the public revenue was found adequate to all national demands: But that under his administration, notwithstanding the royal income had been considerably augmented, the soldiers were unpaid, the fortifications neglected, and the Crown run in debt: That what ought to have been expended only in public service, had been squandered in particular gratifications, which the King had no right so to bestow; for that the public revenue belonged to the kingdom, and was not to be wasted, to the present and future ruin of the state, by any temporary possessor of the Crown.

Such were the reasons so lately alledged, as in the year 1668. for the depriving a *Portuguese* monarch of his sovereign power. From which we may learn, and from the other particulars I have instanced, that regal despotism is not constitutional in that kingdom. So that if Kings will endeavour to establish it, they ought to be considered, by all other Nations, as making the experiment at their own great peril. And when the points to be decided are, whether a whole Nation shall be secure and happy, or one man's will be wantonly indulged, I need not use any arguments to influence the just judgment

ment of *Britons* in such a question ; of *Britons*, who have ever distinguished rightly between obedient subjects and constrained slaves ; of *Britons*, who glory in having contributed to the rescuing of the *Dutch* from *Spanish* tyranny ; who have so often heroically resisted oppression at home, and who justly detest the memory of *Lewis* the fourteenth of *France*, for entering into a league with their own evil-disposed King *James* the second, to enthrall them : Against whom, in defence of their Liberty, they honourably took up arms, and gloriously secured their own rights, and those of their posterities, by the resolute expulsion of him and his male-issue.

Princes can have no enemies so dangerous as those, who under the mask of zeal for their royal interests, become the instigators and fomenters of their worst passions ; inflaming them ever with a thirst of inordinate power, which Kings are rarely able to enjoy ; but which wicked Ministers want to abuse, for the advancement of their own partial interests. Thus are they, when they suffer their judgements to be misled, putting their own safety and happiness to the hazard for no real good or profit to themselves ; but, on the contrary, disturb their peace, disgrace their names, and often ruin their families, by being made dupes to the ambition and wickedness of their favourites. Kings only can be great and happy by reigning in the affections of their People : And those affections can be no otherwise secured
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than by an attention to their sentiments and interests. *The voice of the people*, says the old Adage, *is the voice of GOD!* And the Prince who retires from the hearing it, at the persuasions of any one man, in order to listen to his counsels only, shews by such a conduct that he is ignorant, or forgetful, of the first duty of his office: And such a disattention on his part they will soon learn to think warrants disobedience on theirs; when desperation, if it is provoked, becomes as terrifying as it is destructive.

Having thus executed the task I enjoined myself, let me here declare that my chief motive to this undertaking was a desire, thereby, to make my countrymen happy in the contemplation of that excellent constitution which their forefathers so long toiled to establish, and so often perished to preserve: by demonstrating to them the unhappy condition of other Nations, where the strongest and most essential securities for fame, fortune, and life are found wanting, from the secrecy of prosecutions on criminal accusations. Let offences be what they may, pity must be due from us towards those who are become deprived of the natural and just privilege of being heard openly in their own defence: And it would be wanting of a due regard for our superiour rights in these high concerns, not to reject, as unsatisfactory to our Judgements so distinguished for humanity, any justifying publication in which the fair and full conviction of offenders is not most clearly made evident.

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Had not this Sentence been published here in the manner that it has been, it might justly have been thought an impertinence of this Nation, to have officiously interfered with the judicial proceedings of other countries. But as the publication has been ushered to us under the solemn sanction of *AUTHORITY*, it became the duty of every man, who could, to set the merits of it in a just light; in order to prevent its having any pernicious effect in these kingdoms. The highest respect that every *Briton* owes, next to that which is due to his *GOD*, is to the constitution of his country. This necessary, and most essential regard, it highly behoves us not to suffer to be undermined in any shape: And perhaps there is nothing that can contribute so insensibly to the undermining of it, as the permitting of our minds, by any means, to approve of such obscure methods of proceeding in matters of justice as are too frequently practiced in countries where despotism is either assuming or become established. On a publication, therefore, that has certainly been unnecessarily made here, I have taken the liberty to comment with all decent freedom; in order to prevent any evil effects that could happen from it. This the publishing of the piece I have animadverted upon fully authorizes: For, the liberty of the press can afford no licence to the *Portuguese* nation for making impressions on men's minds here that may prove dangerous, which it allows not to
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the natives for fully canvassing; and, if thought necessary, effectually removing.

To conclude. I hope I have sufficiently made evident the great misfortune it is to mankind, in any country, to want the happy privilege of being heard publickly in their own defence, let the crimes they may be accused of be of ever so atrocious a nature. And may it for ever have the good effect on the minds of all humane *Britons*, to make them pity every unhappy fellow-creature who is deprived of that natural right: For, that it is a right of nature, I believe, no man in these kingdoms will pretend to dispute. And may it, above all things, contribute to the strengthening of our just regard for the happy constitution that is our only safe protection from violence and outrage; by keeping us ever watchfully on our guard against every innovation which can at any time, be attempted in our judicial proceedings: For they are, they ever must be, our great and sure bulwarks of freedom; and the most essential securities of our individual and national happiness. TRUTH AND JUSTICE NEVER NEED SHUN THE LIGHT: AND WHEN THE LIGHT IS SHUNNED, INIQUITY OUGHT EVER TO BE SUSPECTED.

F I N I S.

